

REMARKS

I. Status of claims

Claims 1-21 are now pending in this application. By this Amendment, claims 1, 8, 10, 14, 20, and 21 have been amended and claim 11 has been canceled. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

These Amendments do not raise new issues and simplify issues for Appeal. Furthermore, the Amendment cancels one claim and adds no new claims. Accordingly, Applicant respectfully submits that entry of the amendments after final rejection is proper.

II. Comments on Response to Arguments

The Office Action asserts that the Applicant's arguments fail to comply with 37 C.F.R. 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. This assertion is simply incorrect and could only be made after either a misinterpretation or an incomplete review of Applicant's remarks. In order to be of assistance, the Applicant has provided some of the references to specific claim language in bold below, in order to facilitate the Examiner's review of the response. Many other references to specific claim language and the reasons why the claims patentably distinguish over the applied references are contained within these remarks and were contained in the remarks submitted in response to the previous Office Action.

III. Claim Rejections

Claims 1-21 have been rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,385, 594 to Lebda et al. (hereinafter "Lebda") in view of provisional application 60/190,825 (hereinafter "'825"). This rejection is respectfully traversed.

Pending independent claims 1, 8, 14, 20, and 21 are directed to a method or system for providing a dynamically created application form through a network to a consumer applicant for one or more products. The invention is directed particularly to tailoring an application form to a particular request from an applicant. Thus, an applicant may apply for multiple requested products such as banking products by completing a single application form tailored to the applicant's request. As an example, a potential applicant may choose from an array of products offered by a product provider such as a bank. The potential applicant may request to apply for two products, such as a checking account and a credit account. The instant invention then dynamically creates an application form to solicit the information required to apply for both a checking account and credit card. In this manner, the applicant provides the required information to the bank on one convenient location.

The primary reference, Lebda, is directed to coordinating an electronic credit qualification form between an Internet user and plurality of lending institutions via the Internet. The Lebda invention allows for applying for credit from a multitude of lending institutions without physically going to or calling each lender and filling out multiple applications. The Lebda invention, thus, provides "a universal credit qualification form over the Internet and [allows] the Internet user to submit a single credit application to a plurality of lending institutions who then make offers to the customer via the Internet." Lebda, col. 1, lines 53-57. Lebda, thus, uses a universal credit form that obtains all the information that may be required to apply to any participating lender. Lebda does not suggest a dynamically created application form that is assembled for display to the user. To the contrary, Lebda simply "sends an open application to a prospective borrower through the Internet." Lebda, col. 4, lines 2-3.

The secondary reference, '825, is directed to an online affordability based purchasing system that enables a buyer, dealer, or lender to immediately determine, based on pricing and buyer qualifications, which products a buyer will be able to afford.

The applied references fail to show or suggest any assembly or dynamic creation of an application page. Accordingly, the applied prior art fails to suggest the specific details of applicant's invention as set forth in the pending claims.

Claim 1 sets forth a method for dynamically creating a network based application. The method includes the steps of receiving a request to apply for a plurality of products, assembling an application page from a plurality of documents, each of which contains a field corresponding to specific information required to apply for a product, and receiving information corresponding to each field in the application page.

The May 2 Office Action, in section 2, paragraph 2, incorporates the December 3 Office Action. The December 3 Office Action, in section 3, paragraph 3, incorporates all portions of the February 7, 2005 Office Action relevant to Lebda. Thus, with respect to the step of assembling an application page for display over the network, the Office Action relies on Column 3, lines 58-61 of Lebda to show this step. **Lebda does not suggest assembling an application page from a plurality of documents as required by claim 1. Claim 1 specifically requires assembling, at the host server, an application page for display over the network, said application page having multiple fields, the application page assembled from a plurality of documents.** Lebda is silent regarding using a plurality of documents to assemble a consolidated application page. In the section referenced by the Office Action, Lebda discloses sending a prospective borrower background information documents concerning a loan application. "These background information documents include a document welcoming the Internet user to the web

site, a document explaining the application process, and a document explaining the service provided. Lebda, col. 3, line 65-col. 4, line 1. The citation at column 3, lines 58-61 relied upon by the Office Action, sets forth that a central loan processing computer allows prospective borrowers using satellite computers to view these documents. Lebda does not suggest assembling an application page from these documents. To the contrary, after these documents are sent, the loan processing computer sends an open application to the prospective borrower through the Internet to the satellite computer. Lebda, col. 4, lines 1-3. Lebda does not suggest that this application is assembled from a plurality of documents.

Furthermore, as noted in the Office Action, Lebda fails to disclose a request for a plurality of products, wherein specific information is required to be submitted to apply for each one of the products as set forth in claim 1. Lebda additionally fails to disclose that each assembled page contains at least one field corresponding to the specific information required to apply for one of the products also as set forth in claim 1. Lebda also fails to disclose that the fields displayed by a plurality of documents are specific information required to be submitted to apply for each one of the plurality of products.

Thus, at least four features of claim 1 are lacking in Lebda. These four features include: (1) assembling an application page from a plurality of documents; (2) a request for a plurality of products, wherein specific information is required to be submitted to apply for each one of the products; (3) each assembled page contains at least one field corresponding to the specific information required to apply for one of the products; and (4) the fields displayed by a plurality of documents are specific information required to be submitted to apply for each one of the plurality of products.

The '825 reference fails to obviate the deficiencies of Lebda noted above. The May 2nd Office Action fails to identify specific language in the '825 reference that teaches or suggests these missing features of Lebda.

Initially, the '825 reference fails to disclose (1) assembly of an application page for display over the network, wherein the page is assembled from a plurality of documents. The Office Action provides no indication that this feature is disclosed in the '825 reference.

With respect to feature (2), The December 3rd Office Action alleges that the '825 reference discloses a request for a plurality of products, wherein specific information is required to be submitted to apply for each one of the products on page 1, second paragraph of the '825 reference. However, applicant respectfully submits that the reference to Page 1, paragraph 2 of '825 is misplaced and that this paragraph simply fails to disclose application for a plurality of products.

With respect to features (3) and (4), the Office Action provides absolutely no teaching or suggestion from the disclosure of the '825 reference. The '825 reference enables a buyer, dealer, or lender to immediately determine, based on pricing and buyer qualifications, which products a buyer will be able to afford. The '825 reference is directed solely to automobile purchase.

The '825 reference does not support the teaching of a credit analysis that differs as a function of the item for which a loan is sought. To the contrary, the '825 reference, on page 14 describes: "Our AutoAffordTM platform determines loan affordability by analyzing the buyer's credit information in view of the loan requirements of each of our participating lenders." The '825 provisional application is silent regarding loans sought to purchase a

home or to repay revolving credit. Furthermore, the ‘825 reference includes no suggestion to apply for a plurality of loans.

Thus, even if combined, Lebda and the ‘825 reference would not have resulted in the invention of claim 1. Accordingly, a *prima facie* case of obviousness cannot be established. Specifically, before considering what would be obvious to one of ordinary skill in the art at the time of the invention, the art must teach or suggest the claim limitations. See MPEP §2143. Even if combined, the references applied in the Office Action fail to disclose each and every feature of independent claims.

In the Office Action, it is asserted, “It would have been obvious to one of ordinary skill in the art at the time applicant’s invention was made to combine the teachings of Lebda relating to presenting and accepting a credit application over a network to include the teachings of ‘825 reference relating to receiving one application for potentially many different types of credit. This combination of the teaching of Lebda and the ‘825 reference is insufficient to establish a *prima facie* case of obviousness against claim 1 for at least three reasons. First, the Office Action does not set forth the proposed modification to the Lebda system based on the teaching of the ‘825 reference necessary to arrive at the claimed invention. Second, the Office Action does not provide a sufficient explanation of why one of ordinary skill in the art would have been motivated to modify the teaches of the references relied upon. Third, the ‘825 reference does not suggest receiving one application for different credit products.

To elaborate, no motivation would have been present to modify Lebda with the ‘825 disclosure. Applicant notes that an advantage of assembling the application page, is that a single application is presented to the user to apply for a plurality of products. The Office Action acknowledges that Lebda does not teach a request to apply for a plurality of products.

Accordingly, it is not surprising that Lebda does not suggest assembling an application page. There would be no advantage to assembling such a page in the Lebda system. The Office Action fails to set forth a sufficient explanation of why one of ordinary skill in the art would have been motivated to modify the teaching of Lebda as suggested.

Claims 2-7 depend from claim 1, and define over the art of record for at least the reasons set forth above with respect to claim 1.

Independent claim 8 sets forth a system for obtaining application data from an applicant through a dynamically created application form. The claimed system includes a dynamic application module and a decision module. The dynamic application module receives requests to apply for at least one of a plurality of products, dynamically creates an application requesting data required to apply for the requested products, and receives the requested data. The decision module receives the data, generates a decision regarding the application, and provides the decision to the dynamic application module. The applied art does not show or suggest the dynamic application module as set forth by claim 8.

The February 7, 2005 Office Action at page 5, cites to Lebda at column 7, lines 23-29 to show limitations of claim 8. This reference is to claim 1 of Lebda, which refers to “receiving a plurality of credit data sent from the Internet user;” and “applying said credit data to a filter comprising the plurality of selection criteria of the database to select without manual intervention each one of said plurality of lending institutions associated with a match of said credit data to said selection criteria.” The steps of claim 1 of Lebda do not suggest dynamically creating an application requesting data required to apply for at least one of a plurality of products. As discussed above, the Lebda invention provides “a universal credit qualification form over the Internet and [allows] the Internet user to submit a single credit application to a plurality of

lending institutions who then make offers to the customer via the Internet.” Lebda, Col. 1, lines 53-57. There is no suggestion in Lebda that the universal credit qualification form is dynamically created. The secondary reference to ‘825 includes no suggestion to dynamically create an application. Accordingly, the applied art does not suggest a dynamic application module for dynamically creating an application requesting data required to apply for at least one of a plurality of products as set forth by claim 8.

Claim 8 sets forth a decision module in communication with the dynamic application module. The decision module is for receiving the data, generating a decision regarding the application, and providing the decision to the dynamic application module. The Office Action interprets “module” to “include any collection of hardware or software processes such that the result is effectuated.” The Office Action cites to further steps of claim 1 of Lebda to show the decision module. The Office Action identifies no collection of hardware or software processes that effectuate the steps of claim 1 of Lebda that are relied upon to show the claimed function of either the dynamic application module or the decision module. Claim 8 sets forth that the decision module is for providing the decision to the dynamic application module. As the Office Action does not identify either a dynamic application module or a decision module in Lebda, it does not provide a suggestion of a decision module for providing a decision to a dynamic application module.

For at least the reasons set forth above, Lebda, even when combined with ‘825, does not teach or suggest the components of the system defined by pending claim 8. Accordingly, the Office Action does not establish a *prima facie* case of obviousness against claim 8.

Claims 9-13 depend from claim 8 and define over the art of record for at least the reasons set forth above with respect to claim 8.

Claim 14 defines a method for dynamically creating an application form in a manner similar to claim 1. Claim 14 further sets forth that the request to apply for at least one of a plurality of products is in the form of a uniform resource locator. Claim 14 also includes the step of parsing the uniform resource locator to identify the products. Claim 14 includes all of the steps and limitations discussed above with respect to claim 1.

Claim 14 sets forth a step of “parsing the uniform resource locator to identify the at least one of a plurality of products.” The February, 2005 Office Action at page 3 asserts that access to any web page is implied in a URL. However, the URL set forth in claim 14 is not merely used to access a web page. It is further used to transmit a request to apply for selected products. The URL must therefore be parsed to identify which products are requested. An application page is then assembled to provide an application for the products requested. The Office Action’s reliance on accessing web pages with a URL is insufficient to suggest parsing the URL to identify requested products as set forth by claim 14. Applicant respectfully requests the withdrawal of the rejection of claim 14 over 1.ebda in view of ‘825 as this combination of references fails to render claims 14 obvious for the reasons discussed above. Claims 15-19 depend from claim 14 and therefore define over the art of record for at least the reasons set forth above with respect to claim 14.

The Office Action fails to specifically address the features of claims 20 and 21. Similarly to claim 1, claims 20 and 21 are independent claims directed to a method for dynamically creating a network based application form. Applicant respectfully submits that claims 20 and 21 define over the art of record for at least the reasons set forth above with respect to claim 1.

The Office Action fails to establish a *prima facie* case of obviousness that the pending claims are unpatentable. “During patent examination, the PTO bears the initial burden of

presenting a *prima facie* case of unpatentability.” In re Glaug, 283 F.3d 1135, 62 U.S.P.Q.2d 1151, 1152 (Fed. Cir. 2002). “If the PTO fails to meet this burden, the applicant is entitled to the patent.” Id. “To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int.. 1985). The references applied in the Office Action fail to suggest the claimed invention for at least the reasons set forth with regard to each claim below. An artisan of ordinary skill would not have found the claimed invention to have been obvious in light of the teaching of the applied references. As the Examiner has not presented a *prima facie* case of unpatentability, applicant is entitled to a patent.

Because the references, even if combined would not have resulted in the invention of claims discussed above, and further because no motivation would have been present to modify Lebda in the stated manner, the references fail to render obvious the invention of the above-identified claims. Accordingly, withdrawal of the rejection of claims 1-21 under 35 U.S.C. §103 is respectfully requested.

IV. Conclusion

As set forth above, applicant respectfully submits that all claims are in condition for allowance. Withdrawal of all rejections and prompt passage to issuance are earnestly requested. In the event Applicants have overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 07-1700.

Should the Examiner have any questions regarding any of the above, the Examiner is respectfully requested to telephone the undersigned at 202-346-4016.


Respectfully submitted,

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Dated:  2008